

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application.

**Listing of Claims:**

1. (currently amended) A method for controlling crown gall disease, said method comprising the steps of:

(a) introducing onto a plant species susceptible to the disease an effective amount of a biologically pure culture of ~~an  $\alpha$ -proteobacteria, wherein the  $\alpha$ -proteobacteria is a strain of Rhizobiaceae bacteria~~ Agrobacterium vitis strain F2/5 genetically engineered to express a *txf* operon, wherein the  ~~$\alpha$ -proteobacteria~~ Agrobacterium enters the stem of the plant through a wound site on the plant, and wherein the  ~~$\alpha$ -proteobacteria~~ Agrobacterium produces trifolitoxin which is capable of controlling crown gall disease on plants; and

(b) observing control of crown gall disease on the plant compared to a plant not exposed to the trifolitoxin-producing ~~bacterium~~ Agrobacterium, wherein the plant is a grape or Nicotiana plant, ~~a fruit tree or a rose plant.~~

2. -3. (canceled)

4. (currently amended) The method of Claim 3 1 wherein the ~~strain of Agrobacterium bacteria is the strain~~ Agrobacterium vitis strain F2/5 including comprises pT2TFXK, deposited as ATCC Patent Deposit Designation PTA-2356.

5. (canceled)

6. (currently amended) The method of Claim 1 wherein the  ~~$\alpha$ -proteobacteria~~ Agrobacterium is genetically engineered to express SEQ ID NO:1.

7. -9. (canceled)

10. (currently amended) A method for controlling crown gall disease, said method comprising the steps of:

(a) introducing onto a plant species susceptible to the disease an effective amount of a biologically pure culture of ~~an  $\alpha$ -proteobacteria, wherein the  $\alpha$ -proteobacteria is a strain of either *Rhizobium* or *Agrobacterium*~~ bacteria genetically engineered to express a *txf* operon, wherein the  ~~$\alpha$ -proteobacteria~~ *Rhizobium* enters the stem of the plant through a wound site on the plant, and wherein the  ~~$\alpha$ -proteobacteria~~ *Rhizobium* produces trifolitoxin which is capable of controlling crown gall disease on plants; and

(b) observing control of crown gall disease on the plant compared to a plant not exposed to the trifolitoxin-producing ~~bacterium~~ *Rhizobium*, wherein the plant is a grape plant, ~~a fruit tree or a rose plant.~~

11.-14. (canceled)

15. (currently amended) The method of Claim 10 wherein the  ~~$\alpha$ -proteobacteria~~ *Rhizobium* is genetically engineered to express SEQ ID NO:1.

16. (currently amended) The method of Claim 10 wherein the  ~~$\alpha$ -proteobacteria~~ *Rhizobium* is genetically engineered to express a pT2TFXK plasmid.

17.-18. (canceled)

19. (currently amended) A biocontrol agent for controlling crown gall disease comprising ~~an  $\alpha$ -proteobacteria which is capable of controlling crown gall disease, wherein the  $\alpha$ -proteobacteria is a strain of *Agrobacterium*~~ *vitis* strain F 2/5 bacteria genetically engineered to express a *txf* operon to produce trifolitoxin.

20. - 21. (canceled)

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22. (currently amended) The biocontrol agent of Claim ~~21~~ 19 wherein the ~~strain of *Agrobacterium* bacteria is *Agrobacterium vitis*~~ strain F2/5 including comprises pT2TFXK, deposited as ATCC Patent Deposit Designation PTA-2356.

23. (canceled)

24. (currently amended) The biocontrol agent of Claim 19 wherein the  ~~$\alpha$ -proteobacteria~~ *Agrobacterium* is genetically engineered to express SEQ ID NO:1.

25.-26. (canceled)

27. (currently amended) The method of Claim 10 wherein the ~~strain of~~ *Rhizobium* bacteria is *Rhizobium leguminosarum*.

28.-32. (canceled)